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**AUG 11 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Fan, et al. :  
Filed: September 9, 2003 : ON PETITION  
Application No. 10/658,623 :  
Atty. Dkt. No.: YOR920030261US1 :

This decision is in response to the "PETITION UNDER 37 C.F.R. 1.17(H) AND RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION AND REQUEST FOR REFUND," filed June 9, 2005.

The application was filed September 9, 2003. The Notice mailed May 13, 2005 indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings as required.

In response, petitioners argue that the application as deposited included Figures 1-5. Petitioners have included as proof of mailing and proof of receipt of Figures 1-5 a return postcard date stamped by the Office on September 9, 2003. A copy of Figures 1-5 purportedly filed with the application on September 9, 2003 was also supplied.

The original Figures 1-5 submitted with the application papers have not been located. However, in view of the evidence presented, the Notice mailed May 13, 2005 is hereby **WITHDRAWN** and the petition to accord the application a filing date of September 9, 2003 is **GRANTED**.

Since the original drawing sheets cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted \$400.00 petition fee has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of September 9, 2003 with Figures 1-5 as part of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions